

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff

v.

Case No. 97-CR-80625-DT
Hon. Gerald E. Rosen

THELMON STUCKEY, III,
Defendant

OFFICE OF THE U.S. ATTORNEY
BY: J.MICHAEL BUCKLEY
211 W. Fort Street, Ste. 2001
Detroit, MI 48226
(313) 226-9100

LAW OFFICES OF DAVID S. STEINGOLD
BY: DAVID S. STEINGOLD (P 29752)
BY: TRACIE DOMINIQUE PALMER (P 53555)
500 Griswold, Ste. 1630
Detroit, MI 48226
(313) 962-0763 (voice)
(313) 962-0766 (fax)
detroitdefender@yahoo.com

**DEFENDANT'S RENEWED
MOTION TO UNSEAL DISCOVERY, SEALED PORTIONS OF TRIAL
TRANSCRIPTS, AND GRAND JURY TRANSCRIPTS
AND/OR TO LIFT PROTECTIVE ORDER
TO ENABLE REVIEW OF SAID ITEMS BY APPELLATE COUNSEL FOR
DEFENDANT/APPELLANT THELMON STUCKEY III**

NOW COMES Defendant/Appellant THELMON STUCKEY III, by and through counsel DAVID S. STEINGOLD and TRACIE DOMINIQUE PALMER, and for his Motion states the following:

1. The instant motion previously was filed with this Court. This Counsel was informed at that time that no decision would be made on the motion, pending the Sixth Circuit Court of Appeals' decision regarding the Government's motion to disqualify appellate counsel.
2. The Sixth Circuit Court of Appeals denied the Government's Motion to disqualify this Counsel on or about March 10, 2006. The Order is attached as Exhibit A.

3. Defendant/Appellant THELTON STUCKEY III respectfully requests that this Court now consider the instant motion on its merits, and in support thereof re-asserts all of the allegations contained in the original motion as follows:

4. As reflected throughout the trial transcripts in this case, and through discussion with trial defense counsel, this Court issued a Protective Order and also sealed portions of the record both prior to and during the course of this trial.

5. Defendant/Appellant's appeal is pending in the Sixth Circuit Court of Appeals, Docket no. 05-1039.

6. On or about January 4, 2006, the Court of Appeals Ordered that the briefing schedule be held in abeyance while new lead appellate counsel, the undersigned, obtained and reviewed the trial transcripts and prepared the brief on appeal. (Exhibit B).

7. New lead counsel has discussed with trial counsel Mr. Anthony Chambers about reviewing his trial file in preparation for drafting this brief on appeal. Mr. Chambers expressed concern because of this Court's prior protective Order regarding the discovery documents and Grand Jury transcripts turned over to defense counsel during the course of this trial.

8. Current appellate counsel for Defendant/Appellant Mr. Stuckey needs to review the discovery and Grand Jury testimony to adequately represent Mr. Stuckey on appeal.

9. Current appellate counsel is requesting that this Court issue an Order permitting attorneys David S. Steingold and Tracie Dominique Palmer to review trial defense counsel Mr. Anthony Chambers' and Mr. Jeffrey Taylor's trial files while preparing this appeal.

10. Current appellate counsel is further requesting that this Court issue an Order allowing said counsel to make photocopies of any Exhibits and other discovery documents they feel are relevant to the issues to be raised on appeal in this case.

11. Additionally, the Court Reporter Carol Sapala informed counsel Tracie Dominique Palmer on or about 01-31-06 that she was not allowed to produce certain sealed portions of the trial transcript to counsel for Defendant/Appellant while the Government's Motion to Disqualify current counsel was pending.

12. It is imperative that counsel for Defendant/Appellant be permitted to review all portions of the lower court record to effectively represent Defendant/Appellant in this appeal.

BRIEF IN SUPPORT OF MOTION

Defendant/Appellant Thelmon Stuckey III is currently represented on appeal by new lead counsel David S. Steingold and new co-counsel Tracie Dominique Palmer. Current appellate counsel need to review the trial files of trial defense counsel Mr. Anthony Chambers and Mr. Jeffery Taylor to properly prepare the appeal in this case. Due to this Court's protective Order and several instances of sealing the record in this case, however, trial defense counsel and current appellate counsel seek guidance from this Court, and express permission, for appellate counsel to review the trial file without restriction.

Appellate counsel is aware of the expressed security concerns of the Government raised prior to and during trial in this matter. Appellate counsel is also aware that restrictions were placed on trial counsel as to what information could and could not be shared with the client, Mr. Stuckey. Appellate counsel is willing to abide by any

restrictions this Court finds are reasonable and necessary during the review of the trial files in this case.

Respectfully submitted,

/s/ Tracie Dominique Palmer.
DAVID S. STEINGOLD (P 29752)
TRACIE DOMINIQUE PALMER (P 53555)
Attorneys for Defendant/Appellant STUCKEY
500 Griswold, Ste. 1630
Detroit, MI 4826
(313) 962-0763 (voice)
(313) 962-0766 (fax)
detroitdefender@yahoo.com

Date: 6 April 2006

CERTIFICATE OF SERVICE

Counsel Tracie Dominique Palmer certifies that the above Motion and Brief in Support of Motion have been filed through the CM/ECF filing system, which will result in said documents being served electronically upon all relevant counsel, including but not limited to: J. MICHAEL BUCKLEY, AUSA.

/s/ Tracie Dominique Palmer.
TRACIE DOMINIQUE PALMER (P 53555)
Attorneys for Defendant/Appellant STUCKEY
500 Griswold, Ste. 1630
Detroit, MI 4826
(313) 962-0763 (voice)
(313) 962-0766 (fax)
detroitdefender@yahoo.com

Date: 6 April 2006